



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Travis J. Hiel  
Hiel Trucking, Inc./Hiel Enterprises, Inc.  
thiel@hiels.com

Re: Finding of Violation  
Hiel Trucking, Inc./Hiel Enterprises, Inc.  
Prairie City, Illinois

Dear Mr. Hiel:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Hiel Trucking, Inc. and Hiel Enterprises, Inc. (collectively, Hiel or you). We find that you have violated Section 203(a)(3)(A) and (B) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3)(A) and (B). As summarized in the attached FOV, we have determined that you have removed and/or rendered inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines, and installed parts or components that bypass, defeat, or render inoperative elements of design of those engines that were installed by the original equipment manufacturer in order to comply with CAA emission standards.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Daniel Schaufelberger and Cody Yarbrough. You may call or email them at (312) 886-6814 [schaufelberger.daniel@epa.gov](mailto:schaufelberger.daniel@epa.gov) and (312) 886-9317 [yarbrough.cody@epa.gov](mailto:yarbrough.cody@epa.gov), respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

**SARAH  
MARSHALL**

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SARAH MARSHALL  
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Sarah Marshall

Chief

Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure: SBREFA fact sheet

cc: Kent Mohr, Manager  
Compliance Section, Bureau of Air  
Illinois Environmental Protection Agency

Claire A. Manning, Brown, Hay & Stephens, LLP, Counsel for Hiel Enterprises/Hiel  
Trucking



include, among other things, a description of the HDDEs, their emission control systems, all auxiliary emission control devices and the engine parameters monitored.

5. To meet the emission standards in 40 C.F.R. Part 86, HDDE manufacturers employ many devices and elements of design. “Element of design” means “any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.094-2.
6. One element of design that HDDE manufacturers employ is retarded fuel injection timing as a primary emission control strategy for NO<sub>x</sub> emissions. Common emission control devices used by HDDE manufacturers to meet emission standards include exhaust gas recirculation (EGR) systems, diesel oxidation catalysts (DOCs), diesel particulate filters (DPFs), and/or selective catalytic reduction (SCR) systems. Additionally, modern HDDEs are equipped with electronic control modules (ECMs), which continuously monitor engine and other operating parameters and control the emission control devices.
7. EPA promulgated regulations for motor vehicles manufactured after 2007 that require HDDE trucks to have onboard diagnostic (OBD) systems to detect various emission control device parameters and vehicle operations. *See* Section 202(m) of the CAA, 42 U.S.C. § 7521(m) and 40 C.F.R. § 86.010-18.
8. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits “any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.”
9. Section 203(a)(3)(B), of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits “any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”
10. It is also a violation for any person to cause any of the acts set forth in CAA Section 203(a), 42 U.S.C. § 7522(a).

### **Background**

11. Hiel Trucking, Inc. owns and operates a trucking fleet that includes HDDE motor vehicles operated out of 22842 State Route 41, Prairie City, Illinois.

12. Hiel Enterprises, Inc. operates a HDDE motor vehicle maintenance and repair shop located at 22842 State Route 41, Prairie City, Illinois.
13. Hiel Trucking, Inc. and Hiel Enterprises, Inc. share one hundred percent ownership in common, and both companies operate at the same address located at 22842 State Route 41, Prairie City, Illinois.
14. Hiel Trucking, Inc. and Hiel Enterprises, Inc. are each a “person,” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
15. On November 4, 2019, EPA representatives conducted an inspection of the 22842 State Route 41, Prairie City, Illinois facility to evaluate Hiel Trucking, Inc.’s and Hiel Enterprises, Inc.’s compliance with Title II of the CAA. During the inspection, Danny Mahr, Maintenance Supervisor for Hiel Enterprises, Inc., indicated that the Hiel Trucking, Inc. fleet consisted of approximately twenty-four HDDE trucks for hauling primarily agricultural products.
16. On February 27, 2020, EPA issued to Hiel Enterprises, Inc. a request for information (Request) under Section 208 of the CAA, 42 U.S.C. § 7542, requesting documents related to all HDDE motor vehicles that Hiel owned, operated, and/or leased between January 1, 2018 and the date of receipt of the Request and any parts or services that may affect motor vehicle emissions.
17. On May 15, 2020, Travis J. Hiel submitted a response to EPA’s information Request on behalf of both Hiel Trucking, Inc. and Hiel Enterprises, Inc. The response included maintenance records and spreadsheets that listed the HDDE motor vehicles in Hiel Trucking, Inc.’s fleet. The spreadsheet identified 22 HDDE motor vehicles that had one or more emission control components removed or rendered inoperative and had one or more tunes installed that bypassed, defeated, or rendered inoperative those emission controls.
18. Between September of 2015 and October of 2019, Hiel Trucking, Inc. and Hiel Enterprises, Inc. knowingly removed and/or rendered inoperative emissions control devices or elements of design on at least 11 HDDE motor vehicles from Hiel Trucking, Inc.’s fleet. The relevant services provided for these 11 vehicles is summarized in Attachment A to this Finding of Violation.
19. Between January 1, 2018 and March 3, 2020, Hiel Enterprises, Inc., sold and/or offered for sale at least 54 ECM tuning products capable of bypassing, defeating, and/or rendering inoperative emissions control devices on motor vehicles or motor vehicle engines. Hiel Enterprises, Inc. installed at least 42 of these products. During the same time period, Hiel Enterprises, Inc. also sold at least 28 exhaust manifolds requiring removal of the EGR system on motor vehicles and engines requiring an EGR system. Hiel Enterprises, Inc. installed at least 25 of these products. The sale and installation information for these products is summarized in Attachment B of this Finding of Violation.

### **Violations**

20. EPA finds that Hiel Trucking, Inc. and Hiel Enterprises, Inc. violated Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), by knowingly removing and/or rendering inoperative devices or elements of design that were installed in or on EPA-certified HDDs in compliance with Title II of the CAA or causing these acts.
21. EPA finds that Hiel Enterprises, Inc. violated Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), by selling or offering to sell and installing or causing the installation of parts and/or components where a principal effect of the part or component was to bypass, defeat or render inoperative the engine fueling strategy, DPF, EGR, OBD, and/or SCR systems and by tampering with the emission-related elements of ECMs installed on motor vehicles. Hiel Enterprises, Inc. knew or should have known that such parts and/or components were being used by its customers to bypass, defeat, or render inoperative the emissions control devices on motor vehicles certified under the CAA.

### **Environmental Impact of Violations**

22. These violations may result in excess emissions of PM, NO<sub>x</sub>, hydrocarbons, and other air pollutants and contribute to increased ground level ozone concentrations. PM, especially fine particulates containing microscopic solids or liquid droplets, can get deep into the lungs and cause serious health problems, including decreased lung function; chronic bronchitis; and aggravated asthma. Additionally, current scientific evidence links short-term NO<sub>x</sub> exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. Exposure to ground-level ozone can also reduce lung function and inflame lung tissue; repeated exposure may permanently scar lung tissue.

### **Enforcement Authority**

23. EPA may bring an enforcement action for these violations under its administrative authority or by referring this matter to the United States Department of Justice with a recommendation that a civil complaint be filed in federal district court. CAA §§ 204 and 205, 42 U.S.C. §§ 7523 and 7524. Any person who violates Section 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (a)(3)(B), is subject to an injunction under Section 204 of the CAA, 42 U.S.C. § 7523, and a civil penalty of up to \$3,750 for violations that occurred through November 2, 2015 and \$4,819 for each violation that occurred after November 2, 2015 under Section 205(a) of the CAA, 42 U.S.C. § 7524(a), and 40 C.F.R. § 19.4.

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Date

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HARRIS

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Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

## Attachment A

Hiel Unit No.	Make	Model	Engine	Year	Work Order No./ Date	Part/Work Description	Effect on ECD	ECD
2	International	ProStar	Navistar Maxxforce	2012	NA 10/2017	Redsand ECM tune	Bypass ECD	EGR, DOC, DPF
6	International	9900i	Cummins 870 ISX	2007	41591 8/21/2019	Redsand ECM tune (previously tuned with PDI 715001-2)	Bypass ECD	EGR
12	Kenworth	W900L	Cummins 2350 ISX	2016	NA 9/2017	Replaced exhaust manifold & turbo	Remove ECD	EGR
					NA 9/2017	ECM tune (PDI 715001-6)	Bypass ECD	EGR, SCR, DOC, DPF
14	International	LoneStar	Cummins 871 ISX	2010	39633 10/26/2018	Replaced turbo & tuned ECM (previously tuned with PDI 715001-4)	Bypass ECD	EGR, DOC, DPF
22	Kenworth	W900	Cummins X15	2016	NA 12/2017	ECM tune (PDI 715001-5)	Bypass ECD	EGR, SCR, DOC, DPF
30	Kenworth	T680	Cummins 2350 ISX	2016	NA 4/2018	ECM tune (PDI 715001-5)	Bypass ECD	EGR, SCR, DOC, DPF
34	Kenworth	T660	Cummins 2250 ISX	2012	NA 9/2015	ECM tune (PDI 715001-6)	Bypass ECD	EGR, SCR, DOC, DPF
36	Kenworth	T800	Cummins 225 ISX	2013	37897 5/22/2018	Replaced intake/exhaust manifolds, replaced turbo, removed exhaust aftertreatment system	Remove ECDs	EGR, SCR, DOC, DPF
					37897 5/22/2018	ECM tune (PDI 715001-6)	Bypass ECD	EGR, SCR, DOC, DPF
					40341 2/19/2019	ECM tune (Redsand)	Bypass ECD	EGR, SCR, DOC, DPF
48	International	9900ix	Cummins 870 ISX	2005	38233 4/24/2018	Replaced turbo (ECM equipped with PDI 715001-2 tune)	Remove ECD	EGR
50	International	LoneStar	Cummins 871 ISX	2010	41482 8/28/2019	ECM tune (Redsand)	Bypass ECD	EGR
58	International	ProStar	Cummins 871 ISX	2008	41717 10/30/2019	Replaced turbo (ECM equipped with PDI 715001-4 tune)	Remove ECD	EGR

## Attachment B

<b>Tunes/Tuners</b>	<b>ECD Removal Capabilities</b>	<b>Quantity Purchased, sold, or offered for sale (2018-2020)</b>	<b>Quantity Installed (2018-2020)</b>
Cummins ECM Service	EGR, DPF, DOC, SCR	27	23
Paccar ECM Repair	EGR, DPF, DOC, SCR	2	2
Caterpillar ECM Service	EGR, DPF, DOC, SCR	1	0
713001-1 ECM Upgrade	EGR, DPF, DOC, SCR	3	2
714101 ECM Upgrade	EGR, DPF, DOC, SCR	1	1
714001-2 ECM Upgrade	EGR, DPF, DOC, SCR	1	0
714501-2 ECM Upgrade	EGR, DPF, DOC, SCR	1	1
715001-4 ECM Upgrade	EGR, DPF, DOC, SCR	2	2
715001-5 ECM Upgrade	EGR, DPF, DOC, SCR	1	1
715001-6 ECM Upgrade	EGR, DPF, DOC, SCR	10	8
716701-1 ECM Upgrade	EGR, DPF, DOC, SCR	2	1
719001-1 ECM Upgrade	EGR, DPF, DOC, SCR	1	1
81001-1 ECM Upgrade	EGR, DPF, DOC, SCR	2	0
	<b>Total:</b>	<b>54</b>	<b>42</b>

<b>Delete Parts</b>	<b>Replaces, removes, or blocks off EGR?</b>	<b>Number of Products Purchased and/or Imported (2018-2020)</b>	<b>Number of Products Installed (2018-2020)</b>
DP1048008 Diesel Pro ISX Performance Exhaust Manifold w/T-6 Flange	Yes	14	14
88002 Caterpillar E-Model/C15 Mid-Mount Exhaust Manifold w/T-6 Flange	Yes	2	0
3445, PDI Cummins ISC Manifold	Yes	1	1
7445 PDI Cummins ISX Exhaust Manifold	Yes	10	9
844, PDI Detroit, DD, Exhaust Manifold	Yes	1	1
	<b>Total:</b>	<b>28</b>	<b>25</b>